

House File 302 - Introduced

HOUSE FILE _____
BY SWAIM

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act regulating dangerous animals, including their possession,
2 requiring registration, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2202HH 82
5 da/es/88

PAG LIN

1 1 Section 1. NEW SECTION. 717F.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. a. "Dangerous animal" means any of the following:
1 5 (1) A member of the family canidae of the order carnivora,
1 6 including but not limited to wolves, coyotes, and jackals.
1 7 However, a dangerous animal does not include dogs recognized
1 8 as a domestic breed, including but not limited to dogs shown
1 9 as a domestic breed by a registry association recognized by
1 10 the department.
1 11 (2) A member of the family hyaenidae of the order of
1 12 carnivora, including but not limited to hyenas and aardwolves.
1 13 (3) A member of the family felidae of the order carnivora
1 14 including but not limited to lions, tigers, cougars, leopards,
1 15 cheetahs, ocelots, and servals. However, a dangerous animal
1 16 does not include cats recognized as a domestic breed,
1 17 including but not limited to cats shown as a domestic breed by
1 18 a registry association recognized by the department.
1 19 (4) A member of the family ursidae of the order carnivora,
1 20 including bears and pandas.
1 21 (5) A member of the order of primates other than humans,
1 22 and including the following families: callitrichiadae,
1 23 cabidae, cercopithecidae, cheirogaleidae, daubentoniidae,
1 24 galagonidae, hominidae, hylobatidae, indridae, lemuridae,
1 25 loridae, megaladapidae, or tarsiidae. A member includes but
1 26 is not limited to marmosets, tamarins, monkeys, lemurs,
1 27 galagos, bushbabies, great apes, gibbons, lesser apes, indris,
1 28 sifakas, and tarsiers.
1 29 (6) A member of the order crocodylidae, including but not
1 30 limited to alligators, caimans, crocodiles, and gharials.
1 31 (7) A member of the family varanidae of the order
1 32 squamata, which are limited to water monitors and crocodile
1 33 monitors.
1 34 (8) A member of the order squamata which are venomous,
1 35 including but not limited to any members of the family
2 1 elapidae such as cobras, mambas, and coral snakes and any
2 2 member of the family viperidae such as moccasins and
2 3 rattlesnakes.
2 4 b. "Dangerous animal" includes an animal which is the
2 5 offspring of a dangerous animal included in paragraph "a", and
2 6 another dangerous animal included in that paragraph or any
2 7 other animal. It also includes animals that are the offspring
2 8 in subsequent generations.
2 9 2. "Department" means the department of natural resources
2 10 created in section 455A.2.
2 11 3. "Electronic identification device" means a device which
2 12 when installed is designed to store information regarding an
2 13 animal or the animal's owner in a digital format which may be
2 14 accessed by a computer for purposes of reading or manipulating
2 15 the information.
2 16 4. "Possess" means to own, keep, or control an animal, or
2 17 supervise or provide for the care and feeding of an animal,
2 18 including any activity relating to confining, handling,
2 19 breeding, transporting, or exhibiting the animal.
2 20 5. "Wildlife sanctuary" means an organization exempt from

2 21 taxation pursuant to section 501(c) of the Internal Revenue
2 22 Code that operates a place of refuge where abused, neglected,
2 23 unwanted, impounded, abandoned, orphaned, or displaced
2 24 wildlife are provided care for their lifetime, if all of the
2 25 following apply:
2 26 a. The organization does not buy, sell, trade, auction,
2 27 lease, loan, or breed any animal of which the organization is
2 28 an owner, except as an integral part of the species survival
2 29 plan of the American zoo and aquarium association.
2 30 b. The organization is accredited by the American
2 31 sanctuary association, the association of sanctuaries, or
2 32 another similar organization recognized by the department.
2 33 Sec. 2. NEW SECTION. 717F.2 RULEMAKING == CHAPTER 28E
2 34 AGREEMENTS == ASSISTANCE OF ANIMAL WARDEN.
2 35 1. The department shall administer this chapter by doing
3 1 all of the following:
3 2 a. Adopting rules as provided in chapter 17A for the
3 3 administration and enforcement of this chapter.
3 4 b. Entering into agreements pursuant to chapter 28E as the
3 5 department determines necessary for the administration and
3 6 enforcement of this chapter.
3 7 2. An animal warden as defined in section 162.2 shall
3 8 assist the department in seizing and maintaining custody of
3 9 dangerous animals.
3 10 Sec. 3. NEW SECTION. 717F.3 POSSESSION OF A DANGEROUS
3 11 ANIMAL == PROHIBITIONS.
3 12 A person shall not do any of the following:
3 13 1. Possess a dangerous animal except as otherwise allowed
3 14 by this chapter.
3 15 2. Allow a dangerous animal in the person's possession to
3 16 breed.
3 17 3. Transport a dangerous animal into this state.
3 18 Sec. 4. NEW SECTION. 717F.4 PERSONS POSSESSING DANGEROUS
3 19 ANIMAL ON THE EFFECTIVE DATE OF THIS ACT.
3 20 A person who possesses a dangerous animal on the effective
3 21 date of this Act may continue to possess the dangerous animal
3 22 subject to all of the following:
3 23 1. If the person possesses the dangerous animal pursuant
3 24 to a valid federal license or permit issued prior to the
3 25 effective date of this Act, the person must maintain
3 26 possession according to the terms of the license or permit.
3 27 2. The person shall care for the animal as required
3 28 pursuant to the federal Animal Welfare Act, 7 U.S.C. } 2131 et
3 29 seq., and regulations promulgated by the United States
3 30 department of agriculture which apply to facilities and their
3 31 operations, animal health and husbandry practices, and
3 32 veterinary care.
3 33 3. Within sixty days after the effective date of this Act,
3 34 the person must have an electronic identification device
3 35 implanted beneath the skin or hide of the dangerous animal,
4 1 unless a licensed veterinarian states in writing that the
4 2 implantation would endanger the comfort or health of the
4 3 dangerous animal. In such case, an electronic identification
4 4 device may be otherwise attached to the dangerous animal.
4 5 4. Within sixty days after the effective date of this Act,
4 6 the person must notify the department using a registration
4 7 form prepared by the department. The registration form shall
4 8 include all of the following information:
4 9 a. The person's name, address, and telephone number.
4 10 b. A complete inventory of each dangerous animal that the
4 11 person possesses. The inventory shall include all of the
4 12 following information:
4 13 (1) The number of dangerous animals in the person's
4 14 possession according to species.
4 15 (2) The manufacturer and manufacturer's number of the
4 16 electronic device implanted in or attached to each dangerous
4 17 animal.
4 18 (3) The location where each dangerous animal is kept. A
4 19 person who possesses a dangerous animal must notify the
4 20 department in writing within ten days of a change in address
4 21 or location where the dangerous animal is kept.
4 22 (4) The approximate age, sex, color, weight, scars, and
4 23 any distinguishing marks of each dangerous animal.
4 24 The department may charge a registration fee which shall
4 25 not exceed five hundred dollars.
4 26 5. The person must maintain health and ownership records
4 27 for each dangerous animal in the person's possession for the
4 28 life of the animal.
4 29 6. The person shall confine the dangerous animal in a
4 30 primary enclosure as defined in section 162.2 on the person's
4 31 premises. The person shall not allow the dangerous animal

4 32 outside of the person's premises where the dangerous animal is
4 33 kept unless the dangerous animal is moved pursuant to any of
4 34 the following:

4 35 a. A permit issued by the department.

5 1 b. To receive veterinary care from a licensed
5 2 veterinarian.

5 3 c. To comply with the directions of the department or an
5 4 animal warden.

5 5 7. The person shall display at least one sign on the
5 6 person's premises where the dangerous animal is kept warning
5 7 the public that the dangerous animal is confined there. The
5 8 sign shall include a symbol warning children of the presence
5 9 of the dangerous animal.

5 10 8. The person must immediately notify an animal warden or
5 11 other local law enforcement official of any escape of a
5 12 dangerous animal.

5 13 9. The person who possesses the dangerous animal is
5 14 strictly liable for any damages or injury incurred by a person
5 15 resulting from an act by the dangerous animal.

5 16 10. If the person is no longer able to care for the
5 17 dangerous animal, the person shall notify the department and
5 18 find long-term placement for the dangerous animal with a
5 19 wildlife sanctuary.

5 20 Sec. 5. NEW SECTION. 717F.5 SEIZURE, CUSTODY, AND
5 21 DISPOSAL OF DANGEROUS ANIMALS.

5 22 1. a. Except as provided in paragraph "b", the department
5 23 shall seize a dangerous animal which is in the possession of a
5 24 person if the person is not in compliance with the
5 25 requirements of this chapter.

5 26 b. Upon request, the department may provide that the
5 27 person retain possession of the dangerous animal for not more
5 28 than ten days, upon conditions required by the department.
5 29 During that period, the person shall take all necessary
5 30 actions to comply with this chapter. The department shall
5 31 inspect the premises where the dangerous animal is kept during
5 32 reasonable times to ensure that the person is complying with
5 33 the conditions.

5 34 2. If the person fails to comply with the conditions of
5 35 the department at any time or is not in compliance with this
6 1 chapter following the ten-day period, the department shall
6 2 seize the dangerous animal.

6 3 a. The dangerous animal shall be considered to be a
6 4 threatened animal which has been rescued as provided in
6 5 chapter 717B. The court may authorize the return of the
6 6 dangerous animal to the person from whom the dangerous animal
6 7 was seized if the court finds all of the following:

6 8 (1) The person is capable of providing the care required
6 9 for the dangerous animal.

6 10 (2) There is a substantial likelihood that the person will
6 11 provide the care required for the dangerous animal.

6 12 (3) The dangerous animal has not been abused, neglected,
6 13 or tortured, as described in chapter 717B.

6 14 b. If the court orders a permanent disposition of the
6 15 dangerous animal, the dangerous animal shall be subject to
6 16 disposition as provided in section 717B.4 and the responsible
6 17 party shall be assessed costs associated with its seizure,
6 18 custody, and disposition as provided in that section. The
6 19 department may find long-term placement for the dangerous
6 20 animal with a wildlife sanctuary or institution accredited by
6 21 the American zoo and aquarium association.

6 22 Sec. 6. NEW SECTION. 717F.6 EXEMPTIONS.

6 23 This chapter does not apply to any of the following:

6 24 1. An institution accredited by the American zoo and
6 25 aquarium association.

6 26 2. A wildlife sanctuary.

6 27 3. A circus that obtains a permit from the municipality in
6 28 which it will be temporarily operating.

6 29 4. The state fair as provided in chapter 173 or any fair
6 30 as provided in chapter 174.

6 31 5. A location where an animal is maintained for
6 32 educational or scientific purposes, including an institution
6 33 as defined in section 145B.1, a research facility as defined
6 34 in section 162.2, an exhibition, or a vehicle used to
6 35 transport the animal.

7 1 6. A location operated by a person licensed to practice
7 2 veterinary medicine pursuant to chapter 169.

7 3 7. A pound as defined in section 162.2.

7 4 8. An animal shelter as defined in section 162.2.

7 5 Sec. 7. NEW SECTION. 717F.7 PENALTY.

7 6 A person who violates this chapter is guilty of a serious
7 7 misdemeanor.

EXPLANATION

7 8
7 9 This bill creates a new Code chapter 717F, which regulates
7 10 the possession of dangerous animals which are defined to
7 11 include wolves, coyotes, jackals, hyenas, lions, tigers,
7 12 cougars, leopards, cheetahs, ocelots, servals, bears, pandas,
7 13 primates other than humans, alligators, crocodiles, water
7 14 monitors, and venomous snakes.

7 15 The department of natural resources is charged to
7 16 administer the bill's provisions, although the department may
7 17 execute Code chapter 28E agreements with other government
7 18 entities. The bill makes it a criminal offense to possess a
7 19 dangerous animal, with certain exceptions, to allow a
7 20 dangerous animal in the person's possession to breed, or to
7 21 transport a dangerous animal into this state.

7 22 The bill specifically allows a person to possess a
7 23 dangerous animal if the person has possession of the dangerous
7 24 animal on the effective date of the bill, but subject to
7 25 certain conditions. The person must maintain the animal in
7 26 compliance with the terms of a federal permit or license, and
7 27 must otherwise comply with applicable federal law. The person
7 28 must attach or install an electronic identification device to
7 29 the dangerous animal or beneath its skin or hide. The person
7 30 must also register with the department, and maintain health
7 31 and ownership records. The bill also provides that the person
7 32 must confine or move the dangerous animal according to a
7 33 number of specifications designed to secure it from the
7 34 public. The person is strictly liable for damages or injuries
7 35 resulting from the actions of the dangerous animal.

8 1 The bill provides for the seizure, custody, and disposal of
8 2 dangerous animals kept in violation of the bill's provisions.
8 3 The department may allow the person in possession of the
8 4 dangerous animal to correct the violation and keep the animal
8 5 for 10 days but subject to conditions established by the
8 6 department. If the person fails to comply with those
8 7 conditions at any time or is not in compliance with the bill's
8 8 provisions following the 10-day period, the department is
8 9 required to seize the dangerous animal. The dangerous animal
8 10 is considered a threatened animal in the same manner as
8 11 provided in Code chapter 717B, which authorizes the rescue of
8 12 animals other than livestock. It provides for notifying the
8 13 owner of the dangerous animal of the seizure, provides for a
8 14 court hearing to determine disposition, and requires that
8 15 persons responsible for the dangerous animal pay costs
8 16 associated with its custody and disposition. The bill
8 17 provides that a court may order the return of the dangerous
8 18 animal if it determines that the person is capable of
8 19 providing for its care, that there is a substantial likelihood
8 20 that the person will provide such care, and that the dangerous
8 21 animal has not been abused, neglected, or tortured, as
8 22 described in Code chapter 717B.

8 23 The bill exempts a number of persons and locations from the
8 24 requirements of the bill, including an accredited zoo,
8 25 wildlife sanctuary, circus, fair, research facility, licensed
8 26 veterinarian, pound, or animal shelter.

8 27 A person who violates the bill's provisions is guilty of a
8 28 serious misdemeanor. A serious misdemeanor is punishable by
8 29 confinement for no more than one year and a fine of at least
8 30 \$315 but not more than \$1,875.

8 31 LSB 2202HH 82

8 32 da:rj/es/88